

01  
02  
03  
04  
05  
06                   UNITED STATES DISTRICT COURT  
07                   WESTERN DISTRICT OF WASHINGTON  
08                   AT SEATTLE

09         UNITED STATES OF AMERICA,                   ) CASE NO. CR08-082-RSL  
10    )  
11         Plaintiff,                                      )  
12    )  
13         v.    )  
14         NICOLA ANNE KILCUP,                        )  
15    )  
16         Defendant.                                      )  
17    )  
18    )  
19    )  
20    )  
21    )  
22    )

---

14         Offense charged:   Conspiracy to Distribute Cocaine and Crack Cocaine; Distribution of  
15   Cocaine

16         Date of Detention Hearing:   March 25, 2008

17   The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
18   based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
19   that no condition or combination of conditions which defendant can meet will reasonably assure  
20   the appearance of defendant as required and the safety of other persons and the community.

21   FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

22         1.         Defendant has been charged with a drug offense the maximum penalty of which

01 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both  
02 dangerousness and flight risk, under 18 U.S.C. §3142(e).

03       2.     The AUSA proffers that during a search of the defendant's home after arrest, a  
04 firearm was found. The AUSA also proffers that the defendant is alleged to have been heard on  
05 a wiretap talking about getting her gun to rob her supplier and in connection with planned  
06 retaliation against an individual believed to have provided information against her. A large  
07 quantity of cocaine was taken from defendant's residence at the time of arrest, in addition to over  
08 \$30,000 in a backpack which defendant attempted to throw from the residence at the time of  
09 arrest. The AUSA proffers that defendant engaged in numerous counter surveillance measures  
10 during the course of the investigation which led to the current charges.

11       3.      The defendant's brother is a co-defendant, who has a prior manslaughter  
12 conviction. The AUSA proffers information that the defendant's mother, with whom she proposes  
13 to reside, was aware of the defendant's alleged drug trafficking activities prior to arrest. It is  
14 further alleged that the defendant has a substance abuse problem. The AUSA proffers that  
15 defendant and her co-defendant/husband have access to large amounts of cash which have not  
16 been located or seized by case agents.

17       4.      Taken as a whole, the record does not effectively rebut the presumption that no  
18 condition or combination of conditions will reasonably assure the appearance of the defendant as  
19 required and the safety of the community.

20 | It is therefore ORDERED:

(1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent

01 practicable, from persons awaiting or serving sentences or being held in custody  
02 pending appeal;

- 03 (2) Defendant shall be afforded reasonable opportunity for private consultation with  
04 counsel;
- 05 (3) On order of a court of the United States or on request of an attorney for the  
06 Government, the person in charge of the corrections facility in which defendant is  
07 confined shall deliver the defendant to a United States Marshal for the purpose of  
08 an appearance in connection with a court proceeding; and
- 09 (4) The clerk shall direct copies of this Order to counsel for the United States, to  
10 counsel for the defendant, to the United States Marshal, and to the United States  
11 Pretrial Services Officer.

12 DATED this 25th day of March, 2008.

13   
14 Mary Alice Theiler  
15 United States Magistrate Judge